

Notice of Allowability

Application No.

10/682,476

Examiner

Bena Miller

Applicant(s)

TOSHIO SAKAI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 10 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

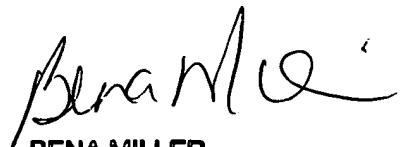
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



BENA MILLER
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 3, line 6, the word "the" has been deleted.

In claim 4, line 2, after the first occurrence of the word "portions" the word -- are -- has been inserted.

In claim 4, line 2, the first occurrence of the word "are" has been deleted and the word -- arm -- has been inserted.

In claim 4, line 3, the first occurrence of the word "are" has been deleted and the word -- arm -- has been inserted.

The second occurrence of claim 4 has been deleted.

The following is an examiner's statement of reasons for allowance: The prior teaches a symmetrically disposed leg portions and arm portions, a driving means and tilted foot portions; however the prior fails to teach the combination of "wherein foot portions to be rotated in a rolling direction of a main body of the toy are coupled to said leg portions, and said leg portions to be driven in forward, rearward, up and down directions of said toy main body are disposed within the lower of said torso, wherein first link member of said leg portions are driven by making circular motion while maintaining a mounting angle against said torso in the interior of said leg portions and said torso,

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and second link mechanisms of said foot portions comprise a link member which is driven by moving up-and-down, wherein a shift of weight of said toy main body is taken by positioning a center of gravity of said toy main body on a first leg portion, wherein a step forward by a second leg portion is taken, wherein said foot portions with the shift of weight of said toy main body is driven toward the rolling direction, and whereby repeating a cycle of movement which shifts the center of gravity between said first and second leg portions, said toy main body can continuously walk" as recited in claim 1 and "wherein foot portions to be tilted in the left and right directions of said biped toy are attached to said leg portions, and said leg portions to be moved in forward, rearward, up-and- down directions of said biped toy are disposed therein wherein cams are disposed in an output shaft of said motor, and assistant cams are rotatably mounted by rotation of said cams. wherein a first link member of one of said leg portions is driven by a rotation of said assistant cams against said torso in the interior of said leg portions. and a second link member is driven by a rotation of said cams in the up-and-down directions, and a third link member attached to said foot portions is driven in the up-and-down directions by moving of said second link member, wherein said foot portions with a shift of weight of said biped toy is driven toward a rolling directions and wherein repeating a cycle of movement which shifts center of gravity between left and right of said leg portions, said biped toy can continuously walk" as recited in claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Primary Examiner
Art Unit 3714

Bbm
April 10, 2005